

# Notice of Allowability

Application No.

10/697,758

Examiner

Tuyen Q Tra

Applicant(s)

FUKAZAWA, AKIHIKO

Art Unit

2873

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/30/2004.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☒ The drawings filed on 30 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 0104
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 07/21/2004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### **Examiner's Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with James Costigan on July 23, 2004.
3. The application's claims have been amended as follows:
  - Claim 1, lines 8, 9 and 11, "said coloring" has been amended as ~~–said desired coloring--~~.
  - Claim 2, lines 3 and 5, "said coloring" has been amended as ~~–said desired coloring--~~.
  - Claim 3, line 3, "said coloring" has been amended as ~~–said desired coloring--~~.
  - Claim 4, lines 3 and 6, "the coloring" has been amended as ~~–the desired coloring--~~.
  - Claim 7, line 6, "said coloring" has been amended as ~~–said desired coloring--~~.
  - Claim 8, line 3, "said coloring" has been amended as ~~–said desired coloring--~~.
  - Claim 9, lines 4 and 6, "the coloring" has been amended as ~~–the desired coloring--~~.
  - Claim 10, lines 3 and 5, "the coloring" has been amended as ~~–the desired coloring--~~.
  - Claim 12, lines 8, 10, 13, 14, 21, 24, 34 and 41, "said coloring" has been amended as ~~–said desired coloring--~~.
  - Claim 13, lines 3 and 5, "said coloring" has been amended as ~~–said desired coloring--~~.
  - Claim 14, line 3, "said coloring" has been amended as ~~–said desired coloring--~~.
  - Claim 15, lines 3 and 6, "the coloring" has been amended as ~~–the desired coloring--~~.

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- Claim 18, line 6, "said coloring" has been amended as –said desired coloring--.
- Claim 19, line 3, "said coloring" has been amended as –said desired coloring--.
- Claim 20, lines 4 and 6, "the coloring" has been amended as –the desired coloring--.
- Claim 21, lines 3 and 5, "the coloring" has been amended as –the desired coloring--.
- Claim 23, lines 8, 10, 11, 15 and 18, "the coloring" has been amended as –the desired coloring--.
- Claim 25, lines 8, 10, 13, 15 and 20, "the coloring" has been amended as –the desired coloring--.
- Claim 25, lines 23, 26 and 35-36, "said coloring" has been amended as –said desired coloring--.
- Claims 23 and 25, line 7, "a desirable" has been amended as – a desired--.
- Claim 23, line 17, "upper layer" has been amended as –upper electrode layer--.
- The ABSTRACT is longer than 150 words and has been amended by deleting a portion started with "Layers, which make up the EC layer, and the upper electrode layer is formed so as to entirely cover the coloring area. The upper electrode layer is not conducted to the portion for forming a coloring region of the lower electrode layer, and the upper electrode layer is conducted to the portion for not forming a coloring region of the lower electrode layer."

**Reason For Allowance**

4. Claims 1-26 are allowed.
5. Following is an examiner's statement of reasons for allowance:

The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 1, 12, 23 and 25, which include (claims 1, 23) the lower electrode layer being divided by one or more parting lines non-linearly formed along the outline of a desired coloring region so as to surround the coloring region into a portion for forming a coloring region including the coloring region and a portion for not forming a coloring region not including the coloring region in the state the portion for forming a coloring region and the portion for not forming a coloring region are not conducted to each other; (claims 12, 25) the lower electrode layer being divided by one or more parting lines, which are non-linearly formed along the outline of a desired coloring region so as to surround the coloring region, and being formed so that both ends of the lines are deviated from the outline of the coloring region and extend to mutually different positions on the outer edge of the lower electrode layer, into a portion for forming a coloring region including the coloring region and a portion for not forming a coloring region not including the coloring region in the state the portion for forming a coloring region and the portion for not forming a coloring region are not conducted to each other.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Conclusion**

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Yamada et al. (U.S. Patent 5,148,306 A) discloses an electrochromic device with specific resistances in figure 3 comprising of an upper electrode (1), a lower electrode (2), an EC layer (3) formed on the lower electrode (2) and the upper electrode layer (1) formed on the EC layer (3); however, Yamada et al. does not teach or suggest that the lower electrode layer being divided by one or more parting lines non-linearly formed along the outline of a desired coloring region so as to surround the coloring region into a portion for forming a coloring region including the coloring region and a portion for not forming a coloring region not including the coloring region in the state the portion for forming a coloring region and the portion for not forming a coloring region are not conducted to each other.

b) Endo et al. (U.S. Patent 5,187,607 A) discloses electrochromic device with low resistance electrical connections in figure 1 comprising of an upper electrode (12), a lower electrode (2), an EC layer (4) formed on the lower electrode (2) and the upper electrode layer (12) formed on the EC layer (4); however, Endo et al. does not teach or suggest that the lower electrode layer being divided by one or more parting lines, which are non-linearly formed along the outline of a desired coloring region so as to surround the coloring region, and being formed so that both ends of the lines are deviated from the outline of the coloring region and extend to mutually different positions on the outer edge of the lower electrode layer, into a portion for forming a coloring region including the coloring region and a portion for not forming a coloring region not including the coloring region in the state the portion for forming a coloring region and the portion for not forming a coloring region are not conducted to each other.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Tra whose telephone number is (571) 272-2343. The examiner can normally be reached on Monday to Thursday from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps, can be reached on (571) 272 - 2328. The fax number for this Group is (703) 872-9306.

TT

July 23, 2004



Hung Xuan Dang  
Primary Examiner